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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,538	03/11/2002	Timothy Hugh Norman	RED-67	7908
20311	7590	03/29/2004	EXAMINER	
MUSERLIAN AND LUCAS AND MERCANTI, LLP 475 PARK AVENUE SOUTH NEW YORK, NY 10016			ALLEN, DENISE S	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,538

Applicant(s)

NORMAN, TIMOTHY HUGH

Examiner

Denise S Allen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-22 and 24-31 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 12, 2003 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 18 – 31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18 – 21 and 25 – 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Mampe (DE 32 06 755).

Regarding claim 18, Mampe teaches a vehicle rear view mirror (Figures 1 – 3) comprising a housing (reference 13) and a mirror lens (reference 3) carried by a location frame (reference 1), said frame and/or housing being made from a resilient material (page 9 lines 30 – 33; the tongue 8 bends away and then springs behind the stop 5) and the frame being a resilient snap-fit (Figures 2 and 3, page 9 lines 26 – 37) within the housing characterized in that the frame

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is located within a rim of the housing without extending laterally over the outer edges of said housing (Figure 1).

Regarding claim 19, Mampe teaches the housing is provided with frame retainment means (reference 2) and said frame is provided with housing engagement means (references 7 and 10).

Regarding claim 20, Mampe teaches the frame retainment means comprises one or more catches (reference 5) and said housing engagement means comprises one or more abutments (references 7 and 10) which co-operate with said catches (Figures 2 and 3).

Regarding claim 21, Mampe teaches the frame is provided with lens engagement means (reference 16).

Regarding claim 25, Mampe teaches the housing comprises a casing (reference 13) adapted to cover the rear face of said lens (Figure 1).

Regarding claim 26, Mampe teaches the lens is flat (Figure 3).

Regarding claims 27 and 28, Mampe teaches the lens is of a substrate on which a reflective surface may be deposited, specifically glass (page 4 line 7).

Regarding claim 29, Mampe teaches the frame is provided with slots (reference 12) at each corner to provide further resilience to said frame.

Regarding claim 30, Mampe teaches the housing and the frame are releasably detachable (Abstract).

Regarding claim 31, Mampe teaches the housing is provided with means to receive a mounting attached to said vehicle (Figure 1 cone shape at the bottom of reference 13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mampe in view of Lang (US 6,328,451).

Mampe teaches a vehicle rear view mirror as described above. Mampe does not teach the lens engagement means comprises one or more abutments adapted to engage said lens.

Lang teaches a vehicle rear view mirror (reference 5) with a location frame (Figures 2 and 4 reference 42) with lens engagement means comprising one or more abutments (edges of reference 42 at top and bottom of Figure 4) to engage a mirror lens (reference 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the lens engagement abutments of Lang as the lens engagement means in the vehicle rear view mirror of Mampe in order to hold the mirror lens more securely.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mampe.

Mampe discloses the claimed invention except for the frame and/or housing being made from a resilient synthetic plastics material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a resilient synthetic plastics material for the frame and/or housing, since it has been held to be within the ordinary skill of workers in the art to select a known material on the basis of its suitability for the intended use. One would have

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been motivated to use a resilient synthetic plastics material for the frame and/or housing for the purpose of reducing the cost of manufacturing the vehicle rear view mirror.

Allowable Subject Matter

Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 23 is allowable over the prior art for at least the reason the prior art fails to teach and/or suggest a vehicle rear view mirror with a mirror lens that is a resilient snap fit in a location frame which is a resilient snap fit in a housing and does not extend laterally over the outer edges of the housing as set forth in the claimed combination.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Denise S Allen whose telephone number is (571) 272-2305. The examiner can normally be reached on Monday - Friday, 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

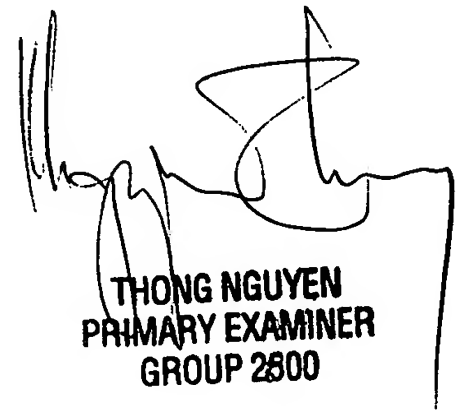
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Denise S Allen
Examiner
Art Unit 2872



dsa



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